

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

PARKERSBURG DIVISION

DANIEL LEE BROWN, et al.,

Movants,

v.

CIVIL ACTION NO. 6:06-cv-00897

EDWARD GRONSETH, et al.,

Respondents.

ORDER


Pending before the court is the movants' motion to file a class action lawsuit [Docket 1] movants' motion to proceed *in forma pauperis* [Docket 2], and movants' motion for a Vaughn Index Justification [Docket 4]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and has recommended that the court **DENY** the movants' motions and dismiss this civil action as being frivolous and for failure to state a claim [Docket 5]. Further, the Magistrate Judge recommended that the court enjoin plaintiff Tucker from filing any further *pro se* claims in any division of this district court concerning the alleged denial of his United States Savings Bonds, without first obtaining permission from the presiding district judge. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

The failure to object to a magistrate judge's report may be deemed a waiver on appeal of the substance of the report and the court need only satisfy itself that there is no clear error on the face

of the record in order to accept the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Campbell v. United States D. Ct. N.D. Cal.*, 501 F.2d 196, 206 (9th Cir. 1974). The court has reviewed the Magistrate Judge's findings of fact and recommendations and finds no clear error on the face of the record. Having previously enjoined this defendant from further *pro se* filings in any division of this district court without prior approval by Order entered January 18, 2007, that issue is now moot. Therefore, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations. Accordingly, the court **DENIES** the movants' motion to file a class action lawsuit, **DENIES** the movants' motion to proceed *in forma pauperis*, and **DENIES as MOOT** the movants' motion for a Vaughn Index Justification. The court **DISMISSES** this civil action as being frivolous and for failure to state a claim. A Judgment Order will follow.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 23, 2007


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE